IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

WP(C).No. 15418 of 2007(I)

PETITIONER:

SOSAMMA VARGHESE, KUNNUMPURATHU HOUSE,
KOOROPPADA P.O., KOTTAYAM.

BY ADV. SMT.VEENA KRISHNAN

RESPONDENTS:

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1. THE REGIONAL TRANSPORT OFFICER, KOTTAYAM

2. THE DEPUTY TAHSILDAR, REVENUE RECOVERY,
KOTTAYAM.

3. A.M.RAJAN, ATTACHIRAYIL HOUSE,
SACHIVOTHAMAPURAM P.O, KURICHI,
KOTTAYAM.

4. SUNIL JOHN MATHEW, VARAKUPARAMBIL
HOUSE, KUZHIMATTOM, PANACHIKKADU,
KOTTAYAM.

ADDL.R5. THE DISTRICT EXECUTIVE OFFICER,
KERALA MOTOR TRANSPORT WORKERS WELFARE FUND BOARD,
KOTTAYAM.

ADDL.R5 IS IMPLEADED AS PER ORDER ON I.A.NO.6912/2007 DATED 1.6.2007.

BY ADV. SRI.P.RAMAKRISHNAN, SC FOR KMTWF BOARD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

WP(C) NO.15418 OF 2007 - I

Dated this the 20th day of June, 2007

J U D G M E N T

The petitioner challenges revenue recovery proceedings for recovery of Kerala Motor Transport Workers Welfare Fund contribution. The contention of the petitioner is that the petitioner has already sold the vehicle to respondents 3 and 4 by Ext.P1 agreement and therefore, the petitioner is not liable to pay contributions in respect of the employees. The petitioner also contends that he has not received any final determination order for assessment of contributions.

2. The learned Standing Counsel appearing for the additional fifth respondent submits that the petitioner was served with a provisional determination order on 28.9.2004 to which the petitioner did not file any objection. It is also submitted that the final determination order confirming the provisional determination order was also issued on 15.10.2004. It is submitted by the Standing Counsel that both the provisional determination order and

the final determination order were returned with the postal endorsement 'unclaimed'. The facts being so, the petitioner cannot now contend that the petitioner is not liable to pay the contribution, especially since the petitioner continues to be the registered owner of the vehicle.

In the above circumstances, I do not find any merit in the contentions raised in this writ petition and the same is dismissed.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007